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IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2781 of 2007

The Nagar Parishad Kamgar Sanghatna .. Petitioner

versus

The Director,Dir. Municipal

Administration & ors. .. Respondents

...

Mr.U.J. Desai for the petitioner.

CORAM : S.B. MHASE AND

D.G.KARNIK, JJ

DATED : 11th October 2007

P.C.:

. By this petition, petitioner seeks a direction to execute the order dated 31st October 2001 passed by the Chief Officer, Ichalkaranji Nagar Parishad.

2. By the said order, the Chief Officer directed the Accounts Officer to calculate the difference in the wages between Fifth Pay Commission and the Fourth Pay Commission and pay same to the workmen. According to the petitioner, the said order

of the Chief Officer has not been executed by the Accounts Officer and therefore, they have filed the Writ Petition.

3. We find that the petitioners are guilty of gross delay. The order has been passed on 31st October 2001 and petition is filed in the year 2007 after lapse of 6 years. The delay is not explained in the Writ Petition. Part of the claim appears to have been barred by limitation.

4. The petitioners have not been able to establish that the office order of the chief officer creates any enforceable right in them. Assuming otherwise, if at all the order of the Chief Officer is not executable the petitioner can approach the Chief Officer for execution of his own orders or any other remedy available in law. We decline to entertain the Writ Petition, which is hereby rejected.

(D.G. KARNIK, J) (S.B. MHASE, J)